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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,073	08/22/2000	Bernd-Georg Pietras	MRKS/0012	5424

7590 12/17/2002

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	Applicant(s)
09/509,073	APPLETON ET AL.
Examiner	Art Unit
Jennifer H Gay	3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 October 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 15, 16, 26-28 and 30-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 15, 16, 26-28 and 30-39 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). 26 .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15, 16, 26-28, 30-32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delano (US 4,100,968) in view of WO 98/11322 (previously cited).

*Regarding claims 15 and 16:* Delano teaches a technique for running casing. The apparatus used in that technique includes the following features:

- A body (44, 46, and 48) connected to a top drive (42).
- A set of gripping elements (126 and 128) that is radially displaceable to drivingly engage a tubular so the tubular (34) is threaded into another tubular (30) until adequately tightened. (See col. 2, lines 5-15)
- A sealing packer (186) that prevents fluid from escaping from the tubular. As seen in Figure 5, fluid traveling up the tubular would press the sides of the packer firmly against the inside wall of the tubular.

Delano discloses all of the limitations of the above claims except for the gripping element being radially displaced by hydraulic or pneumatic fluid directly applied thereto. As seen in Figure 6, WO 98/11322 teaches a gripping element (11 and 15) that is radially displaced by the direct application of hydraulic fluid. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have applied hydraulic, or pneumatic, fluid directly to the gripping element, as taught by WO 98/11322, of Delano in order to have had direct control over the amount of internal frictional connection between the element and the tubular (see page 5, paragraph 4, lines 8-10).

*Regarding claims 26-28:* The apparatus of Delano includes the following features:

- A body (44, 46, and 48) connected to a top drive (42).
- A set of gripping elements (126 and 128) that is radially displaceable to drivingly engage a tubular so the tubular (34) is threaded into another tubular (30) until adequately tightened. (See col. 2, lines 5-15) The gripping elements are displaceable by pneumatic fluid (see col. 4, lines 20-25) and are located in a recess in the outer surface of body portion 44 (see Figure 3).

Delano discloses all of the limitations of the above claims except for the gripping element being radially displaced by hydraulic or pneumatic fluid directly applied thereto. As seen in Figure 6, WO 98/11322 teaches a gripping element (11 and 15) that is radially displaced by the direct application of hydraulic fluid. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have applied hydraulic, or pneumatic, fluid directly to the gripping element, as taught by WO 98/11322, of Delano in order to have had direct control over the amount of internal frictional connection between the element and the tubular (see page 5, paragraph 4, lines 8-10).

*Regarding claim 31:* The apparatus of Delano includes the following features:

- A top drive (42).
- A body having multiple sections (44, 46, and 48).
- A recess disposed about the outer surface of second section 46.
- A pair radially expandable gripping elements (168 and 170) are located in the recess (see Figure 4).

Though the gripping elements (168 and 170) shown in Figure 4 of Delano are not radially expandable with pressurized hydraulic or pneumatic fluid, the gripping elements (126 and 128) shown in Figure 3 are (see col. 4, lines 20-25). It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have been obvious to have used hydraulically or pneumatically actuated grippers as taught in column 4, lines 20-25 and Figure 3 for the gripping elements in Figure 4 in order to have used a gripping element that was more accurately controlled.

Delano discloses all of the limitations of the above claims except for the gripping element being radially displaced by hydraulic or pneumatic fluid directly applied thereto; the

gripping elements 126 and 128 are not displaced by direct hydraulic or pneumatic pressure. As seen in Figure 6, WO 98/11322 teaches a gripping element (11 and 15) that is radially displaced by the direct application of hydraulic fluid. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have applied hydraulic, or pneumatic, fluid directly to the gripping element, as taught by WO 98/11322, of Delano in order to have had direct control over the amount of internal frictional connection between the element and the tubular (see page 5, paragraph 4, lines 8-10).

*Regarding claim 30:* The first section, 44, includes a splined recess (see Figure 3) in which splined connecting members (126 and 128) are located.

*Regarding claim 32:* The gripping elements are radially expanded to engage the inner walls of a tubular (34) (see col. 6, lines 5-20).

*Regarding claim 34:* The body is connected to the top drive (see Figure 1).

*Regarding claim 35:* The top drive rotates the body to provided rotational torque to all a screw connection between multiple tubulars (30 and 34). (See col. 2, lines 5-15)

*Regarding claim 36:* The apparatus of Delano discloses the following features:

- A body (44, 46, and 48) connected to a top drive (42).
- At least one gripping element (126 and 128) that is radially displaceable by pneumatic fluid. The gripping element is used to drivingly engage a tubular so the tubular (34) is threaded into another tubular (30) until adequately tightened. (See col. 2, lines 5-15)
- A sealing packer (186) that prevents fluid from escaping from the tubular. As seen in Figure 5, fluid traveling up the tubular would press the sides of the packer firmly against the inside wall of the tubular.

Delano discloses all of the limitations of the above claims except for the gripping element being radially displaced by hydraulic or pneumatic fluid directly applied thereto. As seen in Figure 6, WO 98/11322 teaches a gripping element (11 and 15) that is radially displaced by the direct application of hydraulic fluid. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have applied hydraulic, or pneumatic, fluid

directly to the gripping element, as taught by WO 98/11322, of Delano in order to have had direct control over the amount of internal frictional connection between the element and the tubular (see page 5, paragraph 4, lines 8-10).

*Regarding claim 38:* The apparatus of Delano discloses the following features:

- A body (44, 46, and 48) connected to a top drive (42).
- At least one gripping element (126 and 128) that is radially displaceable by pneumatic fluid. The gripping element is used to drivingly engage a tubular so the tubular (34) is threaded into another tubular (30) until adequately tightened. (See col. 2, lines 5-15)
- A sealing packer (186) that prevents fluid from escaping from the tubular. As seen in Figure 5, fluid traveling up the tubular would press the sides of the packer firmly against the inside wall of the tubular.

Delano discloses all of the limitations of the above claims except for the gripping element being radially displaced by hydraulic or pneumatic fluid directly applied thereto. As seen in Figure 6, WO 98/11322 teaches a gripping element (11 and 15) that is radially displaced by the direct application of hydraulic fluid. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have applied hydraulic, or pneumatic, fluid directly to the gripping element, as taught by WO 98/11322, of Delano in order to have had direct control over the amount of internal frictional connection between the element and the tubular (see page 5, paragraph 4, lines 8-10).

3. Claims 33, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delano (US 4,100,968) in view of WO 98/11322 (previously cited) as applied to claims 31 and 32 above, and further in view of Boyadejeff and Albright et al.

Delano and WO 98/11322 disclose all of the limitations of the above claims except for the casing support being carried by pneumatically operated weight-compensating pistons. Boyadejeff teaches a tubing support system that includes compensating pistons. Albright et al. teaches a weight compensation system that includes pistons that are controlled either hydraulically or pneumatically. It would have been considered obvious to one of ordinary skill

in the art, at the time the invention was made, to have used the tubing support system of Boyadejeff in conjunction with the weight compensating pistons of Albright et al. with the pipe connecting device of Delano in view of WO 98/11322 in order to have been able to use the device with pipes of various lengths, thus weights, without overloading the system (see col. 1, lines 60-65 of Albright et al.).

### ***Response to Arguments***

4. In view of the amendment, the 35 U.S.C. 11.2 rejection of claim 16 has been withdrawn.
5. Applicant's arguments with respect to claims 15, 16, 26-28, and 30-39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining references made of record disclose various devices for connecting and disconnecting wellbore tubulars.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3672

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H Gay whose telephone number is (703) 308-2881. The examiner can normally be reached on Monday-Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (703) 308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JHG

December 10, 2002



DAVID BAGNELL  
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